

In the High Court of Judicature, Bombay.

Thursday, the 23 day of March 1864

SPECIAL APPEAL No. 540 — of 1864

Vinayak and Trimbull  
Leukhemun of the Honkum  
District.

Appellants

(Original Plaintiffs)

versus

Panduram Narayan  
and Gyanputra of Amal and  
Vinayak Mahadeo and Bal Krishna  
Jaisam and Chintaman and  
Gopal Trimbull and Raghunath  
Gundak and Keshur Ganapath  
and Pulvuntar of Gungapleus Chowle  
of the Honkum District.

Respondents

(Original Defendants)

Rs. 700 — — —

The claim in the Original Suit was to recover a third share of the value of the materials of a house pulled down & of the ground on which the house stood & of a well alleging that the above was undivided property.

In Appeal No. 473 of 1863 the Assistant Judge of the District of the Honkum — at Larma affirmed the Decree of the Muzaliff who had awarded a tenth share of the ground & value of the materials of the house pulled down.

A Special Appeal was preferred in the High Court on the grounds that (1) the decision of the Assistant Judge is contrary to law in that —

(a) The property having descended from one Chhinnadje it was divided not

not among the descendants of his sons  
alone, but a distant kinsman was  
made to participate in it

(b) The branch of Purushram,  
having had no enjoyment or possession  
for more than 30 years it is not  
now entitled to participate in the  
division.

(c) The Court assumed that the  
appellant had had no possession  
of the undivided property.

(d) A co-sharer (Goonid) having  
forfeited his share it should  
have been included in the general  
division.

The Court confirms the Decree  
of the Act. J. with costs on Spl. App'ts

Abhinav Forbes.

H.P. 14. Tucker,

MEMORANDUM OF COSTS incurred in Special Appeal No. 540

of 186 <sup>4</sup> against the decision of the Assistant Judge of the District of the *Koutan* and disposed of on the 28<sup>th</sup> March 1865 by confirming the same.

BY THE APPELLANT—

IN THE DISTRICT.

In the <i>Moosieff's Court</i> .....	109 3 ..		
In the <i>Assist<sup>nt</sup> Judge's Court</i> .....	70 8 ..		
			179 11 ..

IN THIS COURT.

Stamp for Memorandum of Special Appeal .....	102 .. ..		
Stamps for copies of Decree and Judgment .....	4 .. ..		
Stamp for Vukalutnama .....	2 .. ..		
Stamp <sup>for the Appellants</sup> <del>of an application to enter the name of the</del> <del>Appellant's heir</del> .....	2 .. ..		
Batta for Process and Postage .....	17 2 ..		
Sectioner's Fee .....	2 6 1		
Vukeel's Fee .....	21 .. ..		
			808 1

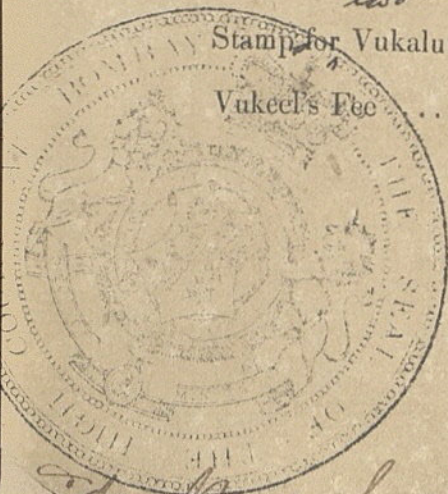
BY THE RESPONDENT—

IN THE DISTRICT.

In the <i>Moosieff's Court</i> .....	165 13 6		
In the <i>Assist<sup>nt</sup> Judge's Court</i> .....	23 8 ..		
			189 4 6

IN THIS COURT.

<sup>two</sup> Stamp for Vukalutnama .....	4 .. ..		
Vukeel's Fee .....	21 .. ..		
			25 .. ..
			Rupees.... 216 4 6



*W. D. ...*  
*West*  
*Registrar*

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(मुक १६६६)

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सदरे: ७००

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~~पञ्चमः सर्गः । १३३~~

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Translated by  
B. C. Mishra  
B. C. Mishra



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True Translation

*[Signature]*

Deputy Registrar